

STATEMENT OF BASIS (AI No. 43831)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0098752 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Wagner & Associates LLC
P.O. Box 40
Brittany, LA 70718

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: November 27, 2006

1. PERMIT STATUS

A. Reason For Permit Action:

Reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit - NA

C. LPDES permit - LA0098752
effective date: March 1, 2002
expiration date: February 28, 2007

D. Date Application Received: November 3, 2006

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY – mobile barge and ship cleaning service

Wagner & Associates is an existing barge and ship cleaning and repair company. The facility is requesting authorization to discharge between Mississippi River Mile 45 and 235. The company washes barges which contained grain, limestone, rock, meal products, scrap steel, fertilizers, urea, potash, ammonium nitrate, sugar, wood chips, sand paper, salt, barite, magnesium oxide, cement, iron ore, coal, coke, and bauxite. The company also conducts minor top-side repair of barges. No sand blasting or painting activities take place on site. There are no dry docks on site.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 3731 and 4491

C. LOCATION – At various locations on the Mississippi River between River Mile 45 and 235 AHP in Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Ascension, Iberville, East Baton Rouge and West Baton Rouge Parishes.

Based at: LA HWY 44 at river mile marker 167.5 in Union, St. James Parish
Latitude: 30° 05' 25", Longitude 90° 54' 38"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: dry commodity ship and barge washwater from open top ships and barges
Treatment: none
Location: at the point of discharge from the ship or barge being washed
Flow: intermittent
Discharge Route: to the Mississippi River

Outfall 002

Discharge Type: coal and coke ship and barge washwater from open top ships and barges
Treatment: none
Location: at the point of discharge from the ship or barge being washed
Flow: intermittent
Discharge Route: to the Mississippi River

Outfall 03A

Discharge Type: incoming ballast and void water from customer barges
Treatment: none
Location: at the point of discharge from the customer barge wing/void tanks
Flow: intermittent
Discharge Route: to the Mississippi River

Outfall 03B

Discharge Type: maintenance ballast and void water
Treatment: none
Location: at the point of discharge from the work barge wing/void tanks
Flow: intermittent
Discharge Route: to the Mississippi River

4. RECEIVING WATERS

STREAM - Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. fish and wildlife propagation
d. drinking water supply

5. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale on page 5.

6. CHANGES FROM PREVIOUS PERMIT

The facility's operating area has been expanded to include various locations on the Mississippi River between River Miles 45 and 235.

Part II

1. Facility Location for barge cleaning has been added.
2. A condition for no discharge of bilge and/or slop water has been added.
3. The Global Positioning System (GPS) requirement has been removed.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

1. WQMD: There are no open, appealed, or pending OEC enforcement actions as of November 27, 2006. There are no current compliance inspections on file as of November 27, 2006.
2. DMR Review: A DMR review of years 2005 and 2006 noted no exceedance in permitted limits. The last 2 quarter DMR for 2006 were not on file at LDEQ. All other DMRs were on file.

8. 303(d) LISTED WATERBODIES

The discharges from Wagner & Associates, LLC are to the Mississippi River, Subsegment 070301 of the Mississippi River Basin. Subsegment 070301 is not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon and migratory waterfowl, which are listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated September 29, 2006 from Watson (FWS) to Brown (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon and migratory waterfowl. Effluent limitations are established in the permit to ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. The more stringent of technology and water quality based limits (as applicable) have been applied to ensure maximum protection of the receiving water.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

Rationale for Wagner & Associates, LLC

1. **Outfall 001:** dry commodity barge and ship washwater from open top ships and barges

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing dry commodities including: grain, limestone, rock, meal products, scrap steel, fertilizers, urea, potash, ammonium nitrate, sugar, wood chips, sand paper, salt barite, magnesium oxide, cement, iron ore, and bauxite. Best Management Practices (BMPs) for barge operations are listed in Part II.

2. **Outfall 002:** coal and coke barge and ship washwater from open top ships and barges

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg:Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report:Report	LAC 33:IX.2701.I.1.b
COD	250:400	Similar Discharges; BPJ
TSS	Report:Report	Similar Discharges; BPJ
pH	6.0 - 9.0 s.u.	Similar Discharges; BPJ

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: TSS shall be observed once per month and Flow, COD and pH shall be observed once per week at the point of discharge from the ship or barge being washed.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other facilities.

3. **Outfall 03A:** incoming ballast and void water from customer barges
Outfall 03B: maintenance ballast and void water

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg:Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report:Report	LAC 33:IX.2701.I.1.b
COD	---:250	Similar Discharges; BPJ
Oil & Grease	---:15	Similar Discharges; BPJ
pH	6.0 - 9.0 s.u.	Similar Discharges; BPJ

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: Flow, COD, Oil & Grease and pH shall be observed once per week at the point of discharge from the incoming customer barge/vessel.

*The measurement frequency for Outfall 03B for the discharge of maintenance ballast and void water shall be 1/month whenever sampling is required.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other facilities.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility does not clean tanks. Only open top hopper barges and ships are cleaned.

Storm Water Pollution Prevention Plan (SWP3) Requirement

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1.b, stormwater discharges that are associated with industrial activity shall be monitored. In accordance with LAC 33:IX.2511.B.14, SIC codes 3731 and 4491 are considered to be associated with industrial activity. However, an SWP3 is not included in the permit because the facility is a water related operation only. Barge BMPs are comparable to the SWP3 requirements; therefore, the barge BMPs will be applied instead.